



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

remainder to her descendants living at the time of her death, whether occurring before or after the death of the testator.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 838.]

**2. Wills (§ 104\*)—Limitation Over Held Not Void for Uncertainty.**—A will giving to a daughter a life estate in the residue, “and if she should die without leaving an heir, then I will want all that I have given her divided into three equal parts, and put on interest for the benefit of my grandchildren, to be given to them after they reach the age of 21. If R.’s children should not live to that age, I want their shares to be given to L.’s,” etc., held not void for uncertainty as to the limitation over.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 724.]

Appeal from Circuit Court, Augusta County.

Suit by Sandy S. Saufley, executor of Ada B. C. Hollar, deceased, against E. Orvetta Garber and others. From a decree, the named defendant appeals. Amended and affirmed.

*Rudolph Bumgardner*, of Staunton, for appellant.

*J. A. Alexander*, of Staunton, for appellees.

FITZGERALD *v.* CAMPBELL.

Nov. 17, 1921.

[109 Va. 308.]

**1. Judgment (§ 631\*)—Payment to Sheriff Held Not “Satisfaction” of Judgment So as to Bar Suit against Joint Tort-Feasor.**—Where plaintiff instituted two suits against joint tort-feasor in commission of identical wrong, and the court, without knowledge or consent of the plaintiff, ordered execution to issue under judgment obtained in first action tried, pursuant to Code 1919, § 6500, and plaintiff refused to accept the money from the sheriff and directed that it might be returned to the parties who paid it, there was no payment or “satisfaction” of the judgment within the meaning of section 6264 so as to bar plaintiff’s action in the other case.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Satisfaction—Satisfy. For other cases, see 8 Va.-W. Va. Enc. Dig. 581.]

**2. Judgment (§ 630\*)—Judgment for Plaintiff against Joint Tort-Feasor No Bar to Action against Other Joint Tort-Feasor.**—Under Code 1919, § 6264, judgment against several joint tort-feasors does not bar the prosecution of an action by plaintiff against other joint wrongdoers, and he may await the trial and result of the latter action before deciding whether or not he will prosecute the first judgment by suing out execution thereon.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 588.]

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

**3. Execution (§ 60\*)—Clerk at Common Law Had No Right to Issue without Direction.**—At common law clerk of court has no right to issue any execution without the direction of the plaintiff or his attorney.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 448.]

Error to Circuit Court, Augusta County.

Action by J. W. Fitzgerald against James Campbell. Judgment for defendant, and plaintiff brings error. Reversed and remanded.

*Hugh A. White*, of Staunton, and *Chas. A. Hammer*, of Harrisonburg, for plaintiff in error.

*Curry & Curry* and *Timberlake & Nelson*, all of Staunton, for defendant in error.

---

SMITH v. STATE HIGHWAY COMMISSION OF VIRGINIA et al.

Nov. 21, 1921.

[109 Va. 312.]

**1. Master and Servant (§ 364\*)—State Highway Commission Is Not "Employer" within Compensation Act.**—The State Highway Commission of Virginia is not the employer of those working under it within Workmen's Compensation Act, §§ 2a, 8, providing that employers shall include the state, any municipal corporation within the state, or any political division thereof.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Employment. For other cases, see 17 Va.-W. Va. Enc. Dig. 698.]

**2. Master and Servant (§ 364\*)—State Liable for Compensation as Employer of Highway Commission's Employee.**—Within Workmen's Compensation Act, § 2a, defining employers, the state is the employer of those working for the State Highway Commission.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 688.]

**3. States (§ 130\*)—Appropriation Necessary for Payment of Workmen's Compensation by State.**—Since the Legislature, though it has provided by the Workmen's Compensation Act for compensation for injuries to state employees, has made no provision for the payment of claims for such injuries, and Code 1919, § 2582, provides that no judgment or decree, unless otherwise provided, shall be paid without special appropriation, the Industrial Commission cannot direct the payment of compensation for the death of the state employee working

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.